

**AMENDMENT TO THE AMENDMENT IN THE NATURE
OF A SUBSTITUTE TO H.R. 3534
OFFERED BY MR. GEORGE MILLER OF
CALIFORNIA**

Page 48, strike lines 5 through 15 and insert the following:

1 “(d) REQUIREMENT FOR CERTIFICATION OF RE-
2 SPONSIBLE STEWARDSHIP.—

3 “(1) CERTIFICATION REQUIREMENT.—No bid
4 or request for a lease, easement, or right-of-way
5 under this section, or for a permit to drill under sec-
6 tion 11(d), may be submitted by any person unless
7 the person certifies to the Secretary that the person
8 (including any related person and any predecessor of
9 such person or related person) meets each of the fol-
10 lowing requirements:

11 “(A) The person is meeting due diligence,
12 safety, and environmental requirements on
13 other leases, easements, and rights-of-way.

14 “(B) In the case of a person that is a re-
15 sponsible party for a vessel or a facility from
16 which oil is discharged, for purposes of section
17 1002 of the Oil Pollution Act of 1990 (33

1 U.S.C. 2702), the person has met all of its obli-
2 gations under that Act to provide compensation
3 for covered removal costs and damages.

4 “(C) In the 7-year period ending on the
5 date of certification, the person, in connection
6 with activities in the oil industry (including ex-
7 ploration, development, production, transpor-
8 tation by pipeline, and refining)—

9 “(i) was not found to have committed
10 willful or repeated violations under the Oc-
11 cupational Safety and Health Act of 1970
12 (29 U.S.C. 651 et seq.) (including State
13 plans approved under section 18(c) of such
14 Act (29 U.S.C. 667(c))) at a rate that is
15 higher than five times the rate determined
16 by the Secretary to be the oil industry av-
17 erage for such violations for such period;

18 “(ii) was not convicted of a criminal
19 violation for death or serious bodily injury;

20 “(iii) did not have more than 10 fa-
21 talities at its exploration, development, and
22 production facilities and refineries as a re-
23 sult of violations of Federal or State
24 health, safety, or environmental laws;

1 “(iv) was not assessed, did not enter
2 into an agreement to pay, and was not oth-
3 erwise required to pay, civil penalties and
4 criminal fines for violations the person was
5 found to have committed under the Fed-
6 eral Water Pollution Control Act (33
7 U.S.C. 1251 et seq.) (including State pro-
8 grams approved under sections 402 and
9 404 of such Act (33 U.S.C. 1342 and
10 1344)) in a total amount that is equal to
11 more than \$10,000,000;

12 “(v) was not assessed, did not enter
13 into an agreement to pay, and was not oth-
14 erwise required to pay, civil penalties and
15 criminal fines for violations the person was
16 found to have committed under the Clean
17 Air Act (42 U.S.C. 7401 et seq.) (includ-
18 ing State plans approved under section
19 110 of such Act (42 U.S.C. 7410)) in a
20 total amount that is equal to more than
21 \$10,000,000.

22 “(2) ENFORCEMENT.—If the Secretary deter-
23 mines that a certification made under paragraph (1)
24 is false, the Secretary shall cancel any lease, ease-
25 ment, or right of way and shall revoke any permit

1 with respect to which the certification was required
2 under such paragraph.

3 “(3) DEFINITION OF RELATED PERSON.—For
4 purposes of this subsection, the term ‘related person’
5 includes a parent, subsidiary, affiliate, member of
6 the same controlled group, contractor, subcontractor,
7 a person holding a controlling interest or in which
8 a controlling interest is held, and a person with sub-
9 stantially the same board members, senior officers,
10 or investors.”.

